

Technical communiqué no. 3/2019-SF

Assessment of the suitability of the administrative body, members of the management board and the persons responsible for the control functions

Following the established in articles 6 bis, 6 ter and 6 quarter on *Law 8/2013, of 9 May, on the organizational requirements and terms of operation of operative entities of the financial system, protection of investors, market abuse and financial guarantee agreements (Law 8/2013)*, we inform you that the “Acreditation form of requirements of corporate and professional repute” has been modified and technical communiqués no. 220/11 bis, no. 30 / SGOIC bis, no. 22 / EFI-SFI bis, no. 22 / EFI-AFI bis, no. 20 / EFI-SGP bis and no. 13 / EFI-ASF bis relating to modification of forms 2 and 3 have been abolished.

Entities must consider that, as established in article 6 bis on suitability requirements of *Law 8/2013*, the requirements of repute, suitable knowledge and experience must be met by the members of the administrative body, members of the management board and the persons responsible for the control functions. The function of regulatory compliance, the risk management function and the internal audit function are considered control functions, as established in articles 9, 10 and 11 of *Law 8/2013*, respectively.

In addition, as established in section b) of section 2 of “Article 20 Acts subjected to an initial communication, prior authorization and a regular communication by the entities operating in the financial system” of *Law 8/2013*, the entities operating in the financial system must request the AFA for prior authorization and registration in their registers the following:

- ii) the changes and appointment of members of the management board, the general management and the persons responsible for the control functions of the entities operating in the financial system, the financial holding companies, mixed financial holding companies, including the changes of position or function of the members of the top management and the persons responsible for the control functions.
- iii) the changes and appointments of the members of the general management and the persons responsible for the control functions with responsibility in the field of group in the framework of an entity operating in the financial system, a financial holding company or a mixed financial holding company included in a group, and in which, besides the positions in the parent, there is the creation general management positions or positions of head of functions with responsibilities in the field of group, other than the ones of the parent considered individually.

Finally, point 2 of the prior authorization section of forms 2 and 3 of the corresponding technical communiqué is modified and a new form 3 bis is included for changes of the responsible of the control functions of the entities operating in the financial system.

Andorra la Vella, 16 August 2019